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REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE
UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE
OF THE ORGANIZATION

Draft decision submitted by the Chairman

Resort to a Commission of good offices, mediation or
conciliation within the United Nations

The General Assembly,

Commends the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization for the completion of the work on the draft document on the resort to a commission of good offices, mediation or conciliation within the United Nations, and decides that the present decision, adopted by the General Assembly, to which that document is annexed, be brought to the attention of States so that it may become generally known.

Annex

RESORT TO A COMMISSION OF GOOD OFFICES, MEDIATION OR CONCILIATION
WITHIN THE UNITED NATIONS

States parties to disputes may wish to avail themselves of the possibility to resort to third-party assistance in the form of a commission of good offices, mediation or conciliation in order to settle their disputes by peaceful means. In doing so, they may be guided by the following:

1. Resort to a commission of good offices, mediation or conciliation within the United Nations may be considered by States as a procedure at their disposal for the peaceful settlement of international disputes in accordance with the provisions of the Charter of the United Nations.
2. Such a commission may be established for each particular case, in accordance with modalities described below, through the agreement of the States parties to a dispute, or, with their agreement, on the basis of a recommendation of the Security Council, or of the General Assembly or following the contacts of the States parties to a dispute with the Secretary-General. Other modalities and conditions may also be agreed upon by the States parties to a dispute for the establishment of such a commission.
3. When the States parties to a dispute accept to resort to a commission of good offices, mediation or conciliation as described in paragraph 2 above, the designation of members of the commission is proceeded with.
4. For each particular case the commission of good offices, mediation or conciliation may be constituted of persons nominated by up to three States, which are not parties to the dispute concerned.

Such States will be designated by the States parties to the dispute or, with their agreement, as the case may be, by the President of the Security Council or by the President of the General Assembly or by the Secretary-General.

5. Each designated State will appoint, upon approval by the States parties to the dispute, a highly qualified person, with adequate experience, who will act in the commission in his individual capacity.

The chairman of the commission will be selected from among its members by the States parties to the dispute. They may also agree in a particular case that the chairman be appointed by the Secretary-General.

6. The proceedings of the commission may take place at United Nations Headquarters in New York, or in any other place agreed upon by the States parties to the dispute.

7. After taking note of the elements of the respective dispute, on the basis of submissions made by the States parties and, as appropriate, of information provided

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by the Secretary-General, the commission in performing its good offices functions will seek to bring the parties to enter immediately into direct negotiations for the settlement of the dispute, or to resume such negotiations or to resort to another means of peaceful settlement.

If the States parties to the dispute so request, the commission will seek to establish the aspects on which the States parties agree, as well as their differences of opinion and perception, and to elucidate the elements related to the dispute with a view to making suggestions for the beginning or the resuming of negotiations including their framework and stages as well as problems to solve.

8. If the States parties to the dispute request the commission, at any time, to mediate, the commission will offer to the parties proposals which it deems adequate for facilitating the negotiations and seeking through mediation to bring closer their positions until an agreement is reached.

9. The States parties to the dispute may agree at any moment of the procedure to entrust the commission with functions of conciliation. The States parties to the dispute determine the legal basis on which the commission should perform its functions. If such a basis is not determined, the commission should be guided mainly by the rights and duties of States resulting from the Charter of the United Nations and by the applicable principles of international law. In performing its functions the commission formulates the terms which it deems adequate for the amicable settlement of the dispute and submits them to the parties.

The States parties to the dispute will be requested to pronounce themselves on these terms within a period of time established by the commission, which may be prolonged if the States parties to the dispute deem it necessary.

10. A period of time during which the commission should discharge its mission may be established by the States parties to the dispute or, where appropriate, following their contacts with the Secretary-General.

11. The States parties to the dispute may wish that the commission work in confidentiality. As long as the commission continues its efforts, no statement will be made public on its activity without the agreement of the States parties to the dispute.

12. The States parties to the dispute may wish that, upon conclusion of the commission's activity, the commission prepare a report and communicate it to them. The States parties to the dispute will decide if the report is to be made public.

Where appropriate, the commission may submit a report to the United Nations organ concerned in the form accepted by the States parties to the dispute.

13. Unless otherwise provided, any expenses of the commission shall be borne by the States parties to the dispute. They may request the Secretary-General to provide the commission with reasonable assistance and facilities as it may require.

14. The States parties to the dispute, as well as other States, shall act in accordance with the purposes and principles of the United Nations and shall refrain from any action whatsoever which may aggravate the situation, endanger the maintenance of international peace and security or make more difficult or impede the peaceful settlement of the dispute.

15. Nothing in the present document shall be construed as prejudicing in any manner the provisions of the Charter, in particular those relating to the peaceful settlement of disputes.
